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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,180	09/27/2001	Marcel B. Manzardo	2001P17794US	3046

7590 05/22/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
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EXAMINER

MEKY, MOUSTAFA M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,180	MANZARDO, MARCEL B.	
	Examiner	Art Unit	
	Moustafa M. Meky	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 13-16 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The amendment filed 4/13/2006 has been entered and considered by the examiner.
2. Claims 1-16 & 23-26 are presenting for examination.
3. Claims 1-7, 13-16 & 23-26 are allowed over the prior art of record.
- 3.1 The applicant is advised to amend claims 1 & 13, line 6 after the first occurrence of the word "server", by adding -- to support a call --, claims 23-24, line 8, after the word "device", by adding -- to support said at least one call --, claims 25-26, line 9, after the word "device", by adding -- to support said at least one call,-- in order to improve the claims' languages.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum (US Pat. No. 5,974,114) in view of Chakera (US Pat. No. 6,996,222).
6. As to claim 8, Blum shows in Figs 1-3, a method for allowing a client connection device 7 (Fig 1) to switch between a main server 14 (Fig 2) and a standby server 20 (Fig 2), comprising:
 - conducting a call via a connection with a main server 14 (Fig 2), see col 11, lines 37-47;
 - dropping the connection to the main server 14, see col 12, lines 54-67, col 13, lines 1-4;
 - establishing a connection with a stand-by server 20 (Fig 2) to replace the main server 14, see col 12, lines 54-67, col 13, lines 1-4;

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- providing current call state information to the standby server 20, see col 2, lines 35-36, col 4, lines 52-56, col 5, lines 3-4, col 8, lines 18-20; and
- conducting the call via the connection with the standby server 20, see col 4, lines 65-67, col 5, lines 4-5, col 8, lines 21-24.

However, Blum does not teach receiving a request for call state information from the standby server 20 (notice Blum teaches replicating the call state information from the main server 14 to the standby server 20). Chakera shows in Fig 1, a system in which server 22 requests from server 20 the call associated data for the telephone call that was retrieved by the server 20, see the abstract, col 3, lines 6-14. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Chakera with the system of Blum in order to utilize the system resources (the modified system would only provide the call state information from the main server 14 to the standby server 20 when only needed at the time of switching servers instead of copying the call state information all the time).

7. As to claim 9, Blum shows maintaining call while dropping the connection to the main server 14, see col 13, lines 2-4.

8. As to claims 10-11, Blum shows detecting lack of signal initiated, wherein reception of the signal is indicative of availability of the main server, see col 7, lines 32-33, lines 55-56, col 16, lines 63-67, col 17, lines 1-9, col 32, lines 6-7 & lines 63-64.

9. As to claim 12, establishing a connection with a stand-by server 20 to support the call includes maintaining the call, see col 13, lines 1-4.

Therefore, it can be seen from paragraphs 6-9 that the combination of Blum and Chakera teaches the limitations of claims 8-12..


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
5/17/2006



MOUSTAF A M. MEKY
PRIMARY EXAMINER